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Certification under 37 CFR 1.8b

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Brian W. Hameder

Name



Signature

DOCKET: CU-2571

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	ANZA AB	)
SERIAL NO:	09/868,526	) Group Art Unit:
FILED:	June 19, 2001	) Examiner:
TITLE:	TOOL HANDLE	

Office of PCT Legal Administration  
 Commissioner for Patents  
 Mail Stop PCT  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

RENEWED PETITION TO REVIVE UNINTENTIONALLY ABANDONED  
APPLICATION UNDER 37 CFR 1.137(b)

Sir:

This is in reply to the decision dated January 7, 2008, rejecting the petition to revive the above-referenced application. The decision set forth a two-month term for response expiring March 7, 2007. The Commissioner is authorized to charge our deposit account no. 12-0400 in the amount of \$1640 to cover the fee for a four-month extension of time to extend the term for response to July 7, 2008, or for any other fees that are necessary for filing with this petition.

The application has two inventors: Stephan Carlsson and Jack Chalas.

The application was initially filed without a declaration. A Notice of Missing Parts issued October 5, 2001. The application has been assigned to ANZA AB, by both inventors, and a declaration was executed by Stephan Carlsson before he passed away. Jack Chalas had a falling out with ANZA AB and refused to sign the declaration. A declaration was executed by ANZA AB on behalf of the non-signing inventor, Jack Chalas, and both declarations were submitted on April 4, 2002.

A decision under 37 CFR 1.47 issued on September 30, 2002, rejecting the submission of the declaration executed by ANZA AB because 1) the evidence of record was insufficient to demonstrate that Jack Chalas refused to execute the

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declaration, and 2) the declaration of Stephan Carlsson was not clear as to whether he was signing on behalf of the non-signing inventor. The decision further required that the legal representative of Stephan Carlsson to sign on behalf of both inventors if Jack Chalas refused to sign the declaration.

A renewed petition under 37 CFR 1.47 was filed on December 9, 2002, in which further evidence of the refusal to sign by Jack Chalas was presented. The Applicant contested the requirement to have the legal representative of Stephan Carlsson sign on behalf of now, both inventors who either could not, or would not sign the declaration.

A further decision under 37 CFR 1.47 issued on July 15, 2003 dismissing the petition, because a declaration by the co-inventor, or in this instance the legal representative of the deceased co-inventor, did not execute the declaration on behalf of the non-signing inventor.

On November 29, 2004, a renewed petition was filed in which the legal representative of Stephan Carlsson, his widow, Ms. Irene Elvingsson-Carlsson, executed a new declaration on behalf of both inventors.

On January 11, 2005, a further decision dismissing the petition issued. This decision dismissed the petition because it was not established to the satisfaction of the Examiner that Ms. Irene Elvingsson-Carlsson is the legal representative of Stephan Carlsson.

On July 7, 2005, a renewed petition was filed in which further evidence was provided to establish that Ms. Irene Elvingsson-Carlsson is the legal representative of Stephan Carlsson.

A reply from the Office is absent until on February 21, 2007 the Applicant resubmitted the renewed petition. The following day, on February 22, 2007, the Office issued a Notice of Abandonment. A telephone call to the Office revealed that they had no record of the submission of the renewed petition on July 7, 2005, but that the submission of the renewed petition on February 21, 2007 would be considered. A request for the status on the petition was filed on June 8, 2007.

On June 11, 2007, a decision dismissing the petition issued because the Examiner indicated that the required declaration which was previously submitted is missing, which was also indicated in a telephone conversation with Examiner Dombroske the same day.

On June 11, 2007, the declaration by Ms. Irene Elvingsson-Carlsson was resubmitted. That submission was also followed up by a subsequent repeated submission on November 7, 2007, and repeated phone calls to Examiner Dombroske.

On January 7, 2008, a decision issued dismissing the petition, in which it is indicated that the declaration by Ms. Irene Elvingsson-Carlsson is incomplete.

For the present renewed petition, Ms. Irene Elvingsson-Carlsson was contacted to try to obtain a newly executed declaration. She was contacted by telephone by Mr. Hakan Johansson, Manager of Research and Development at Anza AB, and she indicated to Mr. Johansson that she would not sign any new documents. Following this telephone conversation, a certified letter was sent to Ms. Irene Elvingsson-Carlsson asking her to execute the declaration documents before

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June 11, 2008. The letter was received by Ms. Elvingsson-Carlsson, and she did not reply.

Enclosed with this renewed petition is an affidavit by Mr. Johansson setting forth these events, a copy of the certified letter, a translation of the certified letter, a copy of the return receipt for the certified letter, and a translation of the minutes from the telephone conversation between Mr. Johansson and Ms. Elvingsson-Carlsson.

Now that the inventor Jack Chalas refuses to sign the declaration, and the legal representative of deceased inventor Stephan Carlsson refuses to sign another declaration, there is no other alternative than to have ANZA AB sign on behalf of both non-signing inventors.

As previously stated, a declaration by ANZA AB on behalf of both inventors has been previously submitted. In addition to that declaration, a new declaration is being submitted herewith, if necessary. The new declaration is now signed on behalf of both inventors, although the signature of deceased inventor Stephan Carlsson was previously obtained, and it is not now considered that the declaration needs to be signed on behalf of Stephan Carlsson. The declaration only needs to be signed on behalf of Jack Chalas, who refuses to sign, because Stephan Carlsoon is no longer available to sign on behalf of Jack Chalas, and the legal representative of Stephan Carlsson refuses to sign.

It is now considered that all the requirements to revive this application have been met, and in view of the extended time from which the application was initially filed, and the unusual circumstances involved, it is respectfully requested that this petition be granted expeditiously.

If there is anything else that is required, the Examiner is requested to contact the undersigned attorney so that requirement may be quickly attended to without further delay.

Respectfully submitted,



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July 3, 2008  
Date